

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SCOTT D. McCLURG, et al.,)
Plaintiffs,)
v.)
MI HOLDINGS, INC., et al.,)
Defendants.)
Case No. 4:12-cv-361-AGF

**DEFENDANTS CITGROUP INC. AND ASSOCIATES
FIRST CAPITAL CORP.'S MOTION TO DISMISS**

Defendants Citigroup Inc. (“Citigroup”) and Associates First Capital Corp. (“AFC”) hereby move the Court to dismiss this action as to them, for lack of personal jurisdiction, pursuant to Fed. R. Civ. P 12(b)(2).

Alternatively, Citigroup and AFC move the Court to dismiss this action as to them, for failure to state a claim upon which relief can be granted, pursuant to Fed. R. Civ. P. 12(b)(6), on grounds that a parent corporation is not liable for the conduct of its subsidiaries.

As a further alternative, Citigroup and AFC move the Court to dismiss this action as to them, for failure to state a claim, pursuant to Fed. R. Civ. P. 12(b)(6), on grounds that: (1) on the face of the Complaint, plaintiffs' claims are barred by the applicable statute of limitations; (2) the allegations of the Complaint are threadbare and conclusory and fail to meet the minimum pleading requirements of Fed. R. Civ. P. 8; (3) wholly absent from the Complaint are the essential allegations that the alleged release of radioactive material resulted in each of them receiving a radiation dose greater than the federal permissible dose limit; (4) wholly absent from the Complaint are the essential allegations that each of Citigroup and AFC is or was a licensee of

the Nuclear Regulatory Commission; and/or (5) the state law claims in Counts II through VIII of the Complaint are preempted by federal law.

The grounds of this motion further are set forth in the accompanying supporting memorandum and Declarations, which are incorporated herein by reference.

WHEREFORE, Defendants Citigroup and AFC request that the Court dismiss this action as to them, with prejudice; award to them their costs incurred in connection with this action, including reasonable attorney's fees; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 18th day of June, 2012, the foregoing document was filed electronically with the Clerk of the Court, to be served by operation of the Court's electronic filing system upon the following attorneys of record:

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